

OCT. 20. 2005 11:27AM

Rec'd PCT/PTO 20 OCT 2005

NO. 8390 P. 3

Application No.: 10/527649

Docket No.: 12834-00010-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#5

In re Patent Application of:
Gordon Calundann et al.

Conf. No.: @@@

Application No.: 10/527649

Group Art Unit: N/A

Filed: March 14, 2005

Examiner: Not Yet Assigned

For: PROTON-CONDUCTING MEMBRANE AND ITS USE

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C.
371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

MS PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant filed a Combined Declaration And Power Of Attorney on July 12, 2005. A copy of the Transmittal Of Combined Declaration And Power Of Attorney, Combined Declaration And Power Of Attorney, Fee Transmittal and Fax Transmittal Communication Result Report are enclosed herewith. Also enclosed is a copy of the Notification Of Missing Requirements.

The translation submitted is correct. The Notice of Missing parts indicated that the number of claims in the International Application (claims 1-31 with claim 21 appearing twice) and the translation (claims 1-32 with no numbers appearing twice) are not the same. The European Patent Office informed the applicant with the letter dated December 16, 2003 that there were two claim 21s and the applicant corrected this defect by filing amended pages and renumbering the second claim 21 and 22-31 as claims 22-32. Unfortunately, the publication did not reflect the changes. Therefore, the English translation was actually correct and the German publication was incorrect. **The applicant therefore does not believe that a new translation is required.**


The applicant believes that no fee is required since the applicant has already paid the fee for the late submission of the declaration. However, the Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 03-418684_1

Application No.: 10/527649

Docket No.: 12834-00010-US

2775, under Order No. 12834-00010-US.

Respectfully submitted,

By 
Ashley I. Pezzner

Registration No.: 35,646

CONNOLLY BOVE LODGE & HUTZ LLP

1007 North Orange Street

P.O. Box 2207

Wilmington, Delaware 19899

(302) 658-9141

(302) 658-5614 (Fax)

Attorney for Applicant

PTO/SB/97 (09-04)

Approved for use through 07/31/2008. OMB 0651-0031

U. S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Application No. (if known): 10/527649

Attorney Docket No.: 12834-00010-US

Certificate of Transmission under 37 CFR 1.8

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on July 12, 2005
Date


Signature

J. Lynn Ferry

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

Fee Transmittal (1 page)

Transmittal Of Combined Declaration And Power Of Attorney (1 page)

Combined Declaration And Power Of Attorney (4 pages)

Charge \$130.00 to deposit account 03-2775

PTO/SB/17 (12-04v2)

Approved for use through 7/31/2008. OMB 0651-0032
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Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4318). FEE TRANSMITTAL For FY 2005		Complete if Known	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	10/527649
		Filing Date	March 14, 2005
		First Named Inventor	Gordon Calundann
		Examiner Name	Not Yet Assigned
		Art Unit	N/A
TOTAL AMOUNT OF PAYMENT (\$) 130.00		Attorney Docket No. 12834-00010-US	

METHOD OF PAYMENT (check all that apply)	
<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____	
<input checked="" type="checkbox"/> Deposit Account Deposit Account Number: <u>03-2775</u> Deposit Account Name: <u>Connolly Bove Lodge & Hutz LLP</u>	
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input checked="" type="checkbox"/> Charge fee(s) indicated below	<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17	<input checked="" type="checkbox"/> Credit any overpayments

FEE CALCULATION							
1. BASIC FILING, SEARCH, AND EXAMINATION FEES							
	FILING FEES		SEARCH FEES		EXAMINATION FEES		
		<u>Small Entity</u>		<u>Small Entity</u>		<u>Small Entity</u>	
<u>Application Type</u>	<u>Fee (\$)</u>	<u>Fee (\$)</u>	<u>Fee (\$)</u>	<u>Fee (\$)</u>	<u>Fee (\$)</u>	<u>Fee (\$)</u>	<u>Fees Paid (\$)</u>
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____
2. EXCESS CLAIM FEES							
<u>Fee Description</u>						<u>Small Entity</u>	
						<u>Fee (\$)</u>	<u>Fee (\$)</u>
Each claim over 20 (including Reissues)						50	25
Each independent claim over 3 (including Reissues)						200	100
Multiple dependent claims						360	180
<u>Total Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>	<u>Multiple Dependent Claims</u>			
_____ - 32 = _____	x	_____	_____	<u>Fee (\$)</u>		<u>Fee Paid (\$)</u>	
<u>Indep. Claims</u>	<u>Extra Claims</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>				
_____ - 4 = _____	x	_____	_____				
3. APPLICATION SIZE FEE							
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>			
_____ - 100 = _____	/50	_____ (round up to a whole number) x	_____	_____			
4. OTHER FEE(S)							<u>Fees Paid (\$)</u>
Non-English Specification, \$130 fee (no small entity discount)							
Other (e.g., late filing surcharge): 1051 Surcharge-Late oath or declaration							130.00

SUBMITTED BY			
Signature	<u>Ashley I. Pezzner</u>	Registration No. (Attorney/Agent)	35,846
Name (Print/Type)	Ashley I. Pezzner	Telephone	(302) 658-9141
		Date	July 12, 2005

Application No.: 10/527649

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TRANSMITTAL OF COMBINED DECLARATION AND POWER OF ATTORNEY

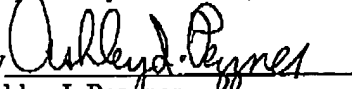
MS PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant submits herewith the executed Combined Declaration And Power Of Attorney.
Applicant has not received a Notification Of Missing Requirements.

Please charge our Deposit Account No. 03-2775 in the amount of \$130.00 covering the required fees. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 03-2775, under Order No. 12834-00010-US.

Respectfully submitted,

By 
Ashley I. Pezner

Registration No.: 35,646
CONNOLLY BOVE LODGE & HUTZ LLP
1007 North Orange Street
P.O. Box 2207
Wilmington, Delaware 19899
(302) 658-9141
Attorney for Applicant

405962_1

Rec'd PCT/PTO 20 OCT 2005

FAX TRANSMISSION**DATE:** October 20, 2005**PTO IDENTIFIER:** Application Number 10/527649
Patent Number**Inventor:** Gordon Calundann et al.**MESSAGE TO:** Anita Johnson
US Patent and Trademark Office**FAX NUMBER:** (571) 273-9880**FROM:** CONNOLLY BOVE LODGE & HUTZ LLP
Ashley I. Pezzner**PHONE:** (302) 658-9141**Attorney Dkt. #:** 12834-00010-US**PAGES (Including Cover Sheet):** 11**CONTENTS:** Response To Notification Of Missing Requirements
copy of Transmittal Of Combined Declaration And Power Of Attorney (with attachments)
Certificate of Transmission (1 page)

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CONNOLLY BOVE LODGE & HUTZ LLP
1007 North Orange Street, P.O. Box 2207, Wilmington, Delaware 19899
Telephone: (302) 658-9141 Facsimile: (302) 658-5614

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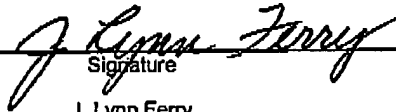
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